

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SERVICE EMPLOYEES INTERNATIONAL UNION,
DAVID REGAN and ELISEO MEDINA, as trustees for
SEIU UNITED HEALTHCARE WORKERS-WEST
and fiduciaries of the SEIU UNITED HEALTHCARE
WORKERS-WEST AND JOINT EMPLOYER
EDUCATION FUND, SEIU UNITED HEALTHCARE
WORKERS-WEST, an unincorporated association and
fiduciary of the SEIU UNITED HEALTHCARE
WORKERS-WEST AND JOINT EMPLOYER
EDUCATION FUND, and REBECCA COLLINS, as a
participant in the SEIU UNITED HEALTHCARE
WORKERS-WEST AND JOINT EMPLOYER
EDUCATION FUND,

Plaintiffs,

v.

SAL ROSELLI, JORGE RODRIGUEZ, JOAN EMSLIE,
JOHN BORSOS, JOHN VELLARDITA, GABE KRISTAL,
PAUL KUMAR, MARTHA FIGUEROA, BARBARA
LEWIS, PHYLLIS WILLETT, DANIEL MARTIN, LAURA
KURRE, RALPH CORNEJO, WILL CLAYTON, GLENN
GOLDSTEIN, FRED SEAVEY, MARK KIPFER, AARON
BRICKMAN, IAN SELDEN, GAIL BUHLER, FREJA
NELSON, ANDREW REID, NATIONAL UNION OF
HEALTHCARE WORKERS; MARYRUTH GROSS,
CONNIE WILSON, ARLENE PEASNALL, CHERIE
KUNOLD, FAYE LINCOLN, and DOES 1 through 100,
inclusive,

Defendants.

No. C 09-00404 WHA

**ORDER OVERRULING
PLAINTIFFS'
OBJECTIONS TO
MAGISTRATE JUDGE'S
NOVEMBER 19
DISCOVERY ORDER**

In this action directed at wrongs allegedly committed by former officers of a parent union before quitting to form a competing union, plaintiffs object to two of the rulings in the November 19 discovery order by Magistrate Judge Maria-Elena James. *First*, plaintiffs object that the order

1 denied in part their motion to compel defendants to produce databases and database source
2 material. Specifically, it required only that defendants disclose “their databases listing NUHW
3 supporters” and not any broader databases or other source material. Plaintiffs also object that the
4 November 19 order required that defendants produce any such databases only to plaintiffs’
5 designated forensic expert, not to plaintiffs or plaintiffs’ counsel.

6 *Second*, plaintiffs object that the November 19 order denied their request to compel
7 defendants to produce past staff lists. In opposing plaintiffs’ request before Magistrate Judge
8 James, defendants asserted that they did not maintain staff lists and therefore had nothing more
9 to produce.

10 Federal Rule of Civil Procedure 72(a) provides that a magistrate judge’s nondispositive
11 order must be accepted unless it is “clearly erroneous or is contrary to law.” Plaintiffs do not
12 identify in the November 19 order any specific findings of fact that they assert are clearly
13 erroneous nor any legal conclusions that they assert are contrary to law. They merely ask the
14 Court to substitute its own judgment for that of the magistrate judge. But the reviewing district
15 court is not permitted to simply substitute its judgment. *Grimes v. City and County of San*
16 *Francisco*, 951 F.2d 236, 241 (9th Cir. 1991).

17 Accordingly, plaintiffs’ objections to the November 19 discovery order are **OVERRULED**.
18 The November 19 discovery order is **AFFIRMED**.

19
20 Dated: December 2, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE